

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ARABELLA FAIRCHILD,

Plaintiff,

vs.

VANG, et al.,

Defendants.

1:23-cv-00917-GSA-PC

**ORDER FOR CLERK TO RANDOMLY
ASSIGN A UNITED STATES DISTRICT
JUDGE TO THIS CASE,**

AND

**FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT PLAINTIFF'S
MOTION TO PROCEED IN FORMA
PAUPERIS BE DENIED**

(ECF No. 2.)

**OBJECTIONS, IF ANY, DUE BY JULY
14, 2023**

I. FINDINGS

Arabella Fairchild ("Plaintiff") is a state prisoner proceeding *pro se* with this civil rights action pursuant to 42 U.S.C. § 1983. On June 20, 2023, Plaintiff filed the Complaint commencing this action, together with a motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 and a certified copy of her prison trust account statement. (ECF Nos. 1, 2.)

Plaintiff's prison trust account statement shows that on June 5, 2023, she had a balance of \$3,024.98 in the account. (ECF No. 2 at 5.) Under these facts, the court finds that Plaintiff

1 can afford the \$402.00 filing fee for this action. Therefore, Plaintiff's motion to proceed *in forma*
2 *pauperis* should be denied and Plaintiff should be required to pay the statutory filing fee of
3 \$402.00 for this action in full.

4 **II. RECOMMENDATIONS AND CONCLUSION**

5 Based on the foregoing, **IT IS HEREBY RECOMMENDED** that:

- 6 1. Plaintiff's motion to proceed *in forma pauperis*, filed on June 20, 2023, be
7 DENIED; and
- 8 2. Plaintiff be required to pay the \$402.00 filing fee for this action in full within 30
9 days.

10 These findings and recommendations are submitted to the United States District Judge
11 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). **On or before**
12 **July 14, 2023**, Plaintiff may file written objections with the court. Such a document should be
13 captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is
14 advised that failure to file objections within the specified time may waive the right to appeal the
15 District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

16
17 IT IS SO ORDERED.

18 Dated: June 23, 2023

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE